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OFFICE OF PETITIONS

In re Application of :
Brodbeck et al. :
Application No. 10/648,759 : DECISION ON PETITION
Filed: 25 August, 2003 :
Atty Docket No. ARC 2882 N1 :

This is a decision on the petition filed on 12 September, 2005, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 15 December, 2004, for failure to timely submit replacement drawings as required by the

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Notice to File Corrected Application Papers mailed on 14 October, 2004, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 14 July, 2005.


Petitioner has filed replacement drawings with the present petition.

Receipt of the revocation and power of attorney filed on 25 May, 2005, is acknowledged.

It is noted that the petition does not include the registration number for the registered attorney or agent who signed it. Pursuant to 37 CFR 1.34, a registered patent attorney or agent acting in a representative capacity must specify his or her registration number and name with his or her signature. Pursuant to 37 CFR 1.34, the registration number should be included the registered patent attorney or patent agent should specify his or her registration number and name with his or her signature. As registered attorney or agent who signed the petition, Edgar R. Cataxinos, has been appointed as an attorney of record, however, the petition will be accepted. However, all future filings should include the attorney or agent's registration number.

The application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice Regarding Change of Power of Attorney
 Notice of Acceptance of Power of Attorney